

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JUNE 8 1982

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING June 8 A.D., 19 82,
IN Regular SESSION. PRESIDENT Samuel J. Talarico
IN THE CHAIR, AND Charles W. Westerman CLERK, AT THE DESK,
PRESENT THE FOLLOWING MEMBERS _____ VIZ:
BRADBURY ✓, BURNS ✓, EISBART ✓,
GIAQUINTA ✓, NUCKOLS A, SCHMIDT ✓,
SCHOMBURG ✓, STIER ✓, TALARICO ✓,
ABSENT _____
COUNCILMAN _____, _____, _____,
_____, _____, _____,
THE INVOCATION WAS GIVEN BY _____

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF
April, 19 82. MOTION MADE AND CARRIED THAT REPORT BE MADE
A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR May 25, 19 82
_____, 19 _____,
SPECIAL May 25, 19 82

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED
AND PUBLISHED.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

29 April 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated alley.

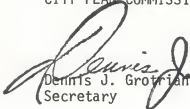
The proposed ordinance is designated as:


BILL NO. G-82-02-17

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
29th day of April 1982.


Dennis J. Grotzian
Secretary





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

29 April 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) alley vacation ordinance acted upon by the City Plan Commission at their regular meeting held April 26, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-82-02-17
2. Intended Use: Vacated property will be used by adjacent property owners.
3. Plan Commission Recommendation: DO PASS

This ordinance received a DO PASS recommendation for the following reason:

- This alley no longer serves a public use.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING


Gary F. Baeten
Senior Planner

GFB:pb



A PETITION TO VACATE ALLEY.

MAP NO. L-2

682-02-17

BY G. R. LAX I-6-82



That alley bounded by Jefferson Avenue on the north, the 34 feet west of the east 6 feet of Lot 4, Block 1, Noel's Second Addition to the City of Fort Wayne on the east side; the ten foot wide alley running east and west to Fulton Street on the south side; and on the western side by Lot 3 in Bond's First Addition to the City of Fort Wayne, Indiana

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

STATE OF INDIANA)
COUNTY OF ALLEN)

SS:

I, Stephen A. Bailey, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held _____ and as same appears of record in the official records of said Board of Public Works.

DATED THIS 26 DAY OF May 19 82

FORT WAYNE BOARD OF PUBLIC WORKS

Stephen A. Bailey, Chairman

Roberta Anderson-Staton, Member

Betty Collins, Member

RESOLUTION

WHEREAS, DONALD & WANDA HITZEMAN, and RICHARD & LOIS HITZEMAN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley in Fort Wayne, Allen County, to-wit:

That alley bounded by Jefferson Avenue on the north, the 34 feet west of the east 6 feet of Lot 4, Block 1, Noel's Second Addition to the City of Fort Wayne on the east side; the ten foot wide alley running east and west to Fulton Street on the south side; and on the western side by Lot 3 in Bond's First Addition to the City of Fort Wayne, Indiana

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March 22, 1982, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public alley.

WHEREAS, said vacation of the alley has been routed through the following department: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

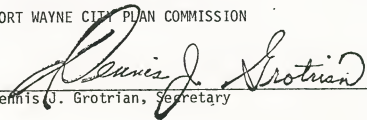
BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA)
)SS:
COUNTY OF ALLEN)

I Dennis J. Grotrian, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held April 26, 1982, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 29th DAY OF April 19 82

FORT WAYNE CITY PLAN COMMISSION


Dennis J. Grotrian, Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 May 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

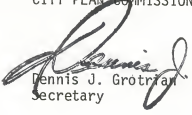
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

BILL NO. Z-82-03-12

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
26th day of May, 1982.


Dennis J. Grotrian
Secretary





THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 May 1982

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held May 24, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-82-03-12
2. From "R-1" to "R-3"
3. Intended Use: Professional Office
4. Plan Commission Recommendation: DO NOT PASS or WITHDRAWN by the petitioner.

This ordinance received this recommendation for the following reasons:

- a. the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- b. the use or value of the area adjacent to the property included in the variance will be affected in a substantially adverse manner;
- c. the need for the rezoning does not arise from a condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- d. the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- e. the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

NOTE: A letter of Withdrawal has been submitted by the petitioners and a copy is attached for your information.

Members of the Common Council
26 May 1982

Page two

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT & PLANNING



Gary F. Baeten
Senior Planner

GFB:pb

Attachments

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 23, 1982, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-82-03-12; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on April 19, 1982;

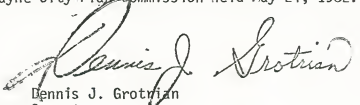
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation or a request for WITHDRAWAL by the petitioner based on the Commission's following "Findings of Fact":

- (1) the grant will be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for ther rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held May 24, 1982.

Certified and signed this
26th day of May 1982.


Dennis J. Grothman
Secretary

BONAHOOM, CHAPMAN, McNELLIS & MICHAELS

ATTORNEYS AT LAW

SUITE 2100

FORT WAYNE NATIONAL BANK BUILDING

FORT WAYNE, INDIANA 46802

OTTO M. BONAHOOM
HOWARD L. CHAPMAN
PAUL B. McNELLIS
PATRICK G. MICHAELS
CHARLES M. LOESER
GREGORY A. KAHRE
STEVEN R. SCHAFER

TELEPHONE
AREA CODE 219
422-3547
OF COUNSEL
BYRON F. NOVITSKY

May 26, 1982

Hon. Charles Westerman
Clerk, City of Fort Wayne
124 City-County Building
Fort Wayne, Indiana 46802

Re: Bill No. Z-82-03-12

Dear Charlie:

I represent the owners-petitioners on the above-captioned bill. I have been requested to withdraw this bill from submission to the County Council of the City of Fort Wayne. I therefore request that you take whatever action is appropriate to accomplish said withdrawal.

Thank you for your continuing cooperation.

Yours truly,

BONAHOOM, CHAPMAN, McNELLIS
& MICHAELS



Paul B. McNellis

McN:dd



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

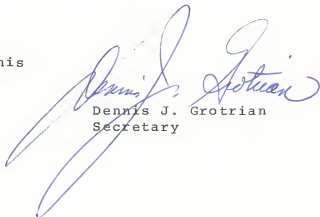
1 June 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

TO: The Common Council
City of Fort Wayne

BE IT HEREBY RESOLVED that the City Plan Commission recommends DO PASS for the City of Fort Wayne Five Year Capital Improvement Program and One Year Capital Budget. General Bill No. G-82-04-28.

Certified and signed this
1st day of June 1982.



Dennis J. Grotrian
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

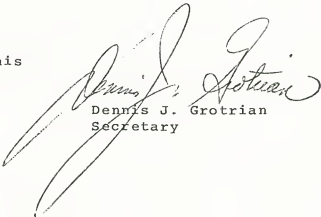
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COMMUNICATIONS FROM THE CITY PLAN COMMISSION

TO: The Common Council
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1st day of June 1982.



Dennis J. Grotrian
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

2 June 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

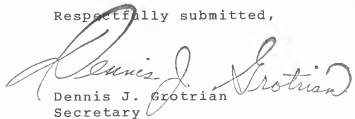
Attached is an amendment to the Zoning Ordinance of the City of Fort Wayne. This ordinance has been designated as Bill No. G-82-05-15.

This amendment received a DO PASS recommendation at the regular business meeting of the City Plan Commission held May 24, 1982.

If you have any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

Certified and signed this
2nd day of June 1982.


Dennis J. Grotrian
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802
city plan commission

2 June 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
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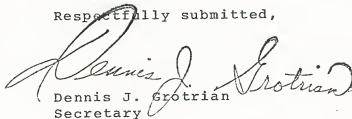
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If you have any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

Certified and signed this
2nd day of June 1982.


Dennis J. Grotrian
Secretary

Page 5

- (e) If no action is taken by the Commission on a Development Plan within 60 days of filing by the developer, it shall be deemed denied and an appeal lie by writ of certiorari.

Page 5 AS AMENDED NOW READS:

- (e) If no action is taken by the Commission on a Development Plan within 60 days of filing by the developer, it shall be deemed a final decision of denial.



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

2 June 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

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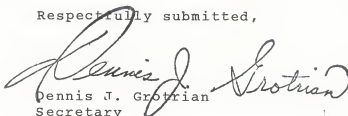
Attached is an amendment to the Zoning Ordinance of the City of Fort Wayne. This ordinance has been designated as Bill No. G-82-05-14.

This amendment received a DO PASS recommendation at the regular business meeting of the City Plan Commission held May 24, 1982.

If you have any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

Certified and signed this
2nd day of June 1982.


Dennis J. Grotrian
Secretary



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

2 June 1982

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
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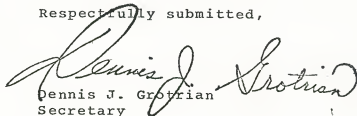
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This amendment received a DO PASS recommendation at the regular business meeting of the City Plan Commission held May 24, 1982.

If you have any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

Certified and signed this
2nd day of June 1982.


Dennis J. Grovian
Secretary

Amendment to Bill No. G-82-05-14

Amendment originally read as follows:

(KK) Kennel, Animal - Any place where domestic animals
(those animals customarily kept as pets) are
present or kept for commercial purposes.

Amendment was AMENDED TO READ AS FOLLOWS:

(KK) Kennel, Animal - Any place where domestic animals
(those animals customarily kept as pets) are, for
commercial purposes, present or kept.

ORIGINAL

BILL NO. G-82-04-28

GENERAL ORDINANCE NO. G-

AN ORDINANCE approving the City of Fort Wayne Five Year Capital Improvement Program and One Year Capital Budget.

WHEREAS, heretofore on April 11, 1973, General Ordinance No. G-07-73 was adopted requiring the Board of Public Works of the City of Fort Wayne to at least annually on or before the 30th day of June of each year provide the Common Council with itemized estimates of capital program expenditures for the succeeding fiscal years;

WHEREAS, an ongoing Capital Improvement Program and a capital budget could assist public facility and service programs; and,

WHEREAS, a Capital Improvement Program is a guide for future capital projects; and,

WHEREAS, a Capital Improvement Program forecasts needs and resources available to the City for capital expenditures over a five year period; and,

WHEREAS, a Capital Improvement Program is a management tool geared toward participating and updating local capital expenditure priorities;

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Department of Community Development and Planning shall, on an annual basis, develop and submit to the Common Council before June 30th of each year a Five Year Capital Improvement Program.

SECTION 2. Requires all City Departments to participate in the annual preparation of the Capital Improvement Program and Budget; and,

SECTION 3. Supports the efforts of the Mayor, Capital

1 Improvements Program Committee, the City Plan Commission, and
2 the Department of Community Development and Planning in pre-
3 paring a Capital Improvement Program; and,

4 SECTION 4. That this Ordinance shall be effective upon
5 passage and approval by the Mayor.

6
7 
8 COUNCILMEMBER

9 APPROVED AS TO FORM AND
10 LEGALITY APRIL 23, 1982

11 
12 BRUCE O. BOXBERGER, CITY ATTORNEY
13

Read the first time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee General (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 4-27-82

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____	_____
<u>EISBART</u>	_____	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____	_____
<u>NUCKOLS</u>	_____	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____	_____
<u>SCHOMBURG</u>	_____	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: _____

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____.

ATTEST:

(SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of _____ 19____, at the hour of _____ o'clock _____ M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR. - MAYOR

- 2
- 3 e. Planning office
- 4 f. Professional engineer's office
- 5 g. Accountant's office
- 6 h. Law office
- 7 i. Real estate and related services
- 8 j. Insurance office
- 9 k. Interior designer's office
- 10 l. Finance company (no vehicle storage)
- 11 m. Land Surveyor's office (no outside equipment storage)
- 12 n. Advertising office
- 13 o. Stockbroker's office
- 14 p. Bank, Savings & Loan Association or Credit Union
- 15
- 16

17 (3.) Pre-application Conference and Submission

18 When an applicant desires to rezone a parcel of land to
19 a POD, he shall confer with the City Planning Office and
20 interested department heads in connection with the
21 preparation of the Planned Office District application.
22 The general outlines of the proposal, evidenced
23 schematically by sketch plans, are to be considered
24 before submission to the Planned Office Development
25 application. Thereafter, the Division of Planning
26 within the Department of Community Development and
27 Planning shall furnish the applicant with written comments
28 regarding the proposed applicant's general outline, including
29 recommendations to inform and assist the applicant prior
30 to his preparing the components of the Planned Office
31 Development application. It is not required that any
32 person requesting a pre-application conference be an

1 BILL NO. G-82-05-15 (AS AMENDED)

2 GENERAL ORDINANCE NO. G-_____

3
4 AN ORDINANCE amending Chapter 33 of the
5 Code of the City of Fort Wayne.

6
7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. Section 33-14 is amended by adding the following:

10 0. Professional Office District (P.O.D.)

11 (1.) Purpose

12 The Professional Office District (P.O.D.) is designed to
13 provide specific areas where professional offices,
14 businesses compatible with these offices, and certain
15 public and quasi-public uses may be developed into a
16 center with the assurance that retail and other
17 commercial uses with incompatible characteristics will
18 not impede or disrupt their use.

19 Since these structures are typically much less commercial
20 in appearance and architecturally more harmonious with
21 residential structures, the Professional Office District
22 can also serve as a buffer between residential areas and
23 areas of more intensive commercial use.

24
25 (2.) Permitted Uses

26 Offices only - administrative, business, government, and
27 professional. Including, but not limited to the following:

- 28 a. Dentist's office
29 b. Doctor's office
30 c. Medical Related services
31 d. Architect's office
32

- (iv) The method by which utilities will be provided.
- b. Conceptual and schematic plans incorporating the following elements:
 - (i) Conceptual plans of the entire site showing:
 - (a) Existing contours accompanied by outline grading plans.
 - (b) Typical cross-section.
 - (c) Drainage control.
 - (d) Conceptual location of all main and accessory structures accompanied by an outline explaining intended heights, coverage, and treatment of yards.
 - (e) General outline of motor vehicle parking and loading provisions.
 - (f) General traffic circulation features, public and private streets, width of right-of-way and roadway, and location of vehicular access points thereto.
 - (g) Pedestrian circulation features, walks, and paved areas.
 - (h) Landscaping and forestry features.
 - (i) General nature and location of public and private utilities and community facilities and services, including maintenance facilities.
 - (ii) A schematic plan summarizing:
 - (a) Maximum square footage of gross floor area (under roof) of office space.
 - (b) Actual land covered excluding dedicated streets and easements.
 - (iii) A document describing the proposed phasing program for the Planned Office District.

2
3 owner or holder of an equitable interest in the subject
4 property.

5 (4.) Development Plan

6 An applicant for a POD shall apply to the City Plan
7 Commission upon the prescribed forms. The application
8 shall be filed with the City Plan Commission. Every
9 application shall be accompanied by a preliminary
10 development plan for the entire tract described in the
11 petition, together with the supporting data required.
12 The Commission shall review the proposed development plan
13 and the supporting data required. The Commission shall
14 review the proposed development and the supporting data
15 based upon the requirements set out in Paragraph (5.)
16 of this Chapter.

17 (5.) Planned Office District Application

18 All Planned Office District applications submitted to the
19 City Plan Commission shall be accompanied by a Fifty Dollar
20 (\$50.00) filing fee for the processing of the application.

21
22 The Planned Office District application shall include the
23 following:

24 a. A declaration by the developer in which there is furnished:

- 25 (i) A description of the proposed Planned Office District,
26 together with the factors considered in the evaluation;
27 (ii) A general statement regarding the nature and location
28 of common open space and the means by which the
29 developer will guarantee its continuity and main-
30 tenance;
31 (iii) The general location and purpose of all structures;
32

(6.) Development Plan Requirements

In determining its approval or disapproval of a proposed development plan and supporting data, the Plan Commission shall be governed by the following requirements:

- a. Minimum lot size - 20,000 square feet
- b. Maximum building height - 35 feet
- c. Maximum lot coverage - 30 per cent
- d. Minimum front yard - 15 feet
- e. Minimum side yard - 5 feet when not abutting a residential district
- f. Minimum rear yard - 10 feet
- g. Use of required yards: All required yards shall be landscaped in grass with trees, shrubs, or in combination with other suitable ground cover materials
- h. Transitional yards: Whenever any of the boundaries of the POD are contiguous to residential zoning, such boundaries that are contiguous will be subject to the following setback requirements:
 - (i) Minimum side yard - 20 feet + 10 feet for each 12 feet of building height or fraction thereof above one story.
 - (ii) Minimum rear yard - 20 feet + 10 feet for each 12 feet of building height or fraction thereof above one story.
- i. Use of transitional yards: Where a side or rear yard is contiguous to a residential lot, such yard shall be landscaped with grass and trees, shrubs, or in combination with other suitable ground cover materials. In addition, there shall be provided and maintained along the boundary, up to the 15 foot front yard setback, a buffer screen of

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3 Thereafter, the Commission shall take action as follows:

- 4 (a) If it finds that the preliminary plans meet the require-
5 ments of this Section, it shall approve the same and so
6 notify the applicant. The final plan which shall be
7 amended, approved, or disapproved by the Commission
8 within 60 days of its submission.
- 9 (b) If it finds that upon said plan being amended, altered
10 and changed as specified by the Commission, it will
11 meet the requirements of this Section, it shall so
12 notify the applicant, and thereupon the applicant shall
13 prepare and file with the Commission another pre-
14 liminary development plan and supporting data incor-
15 porating such specified changes. Upon the filing of
16 the amended development plan, complying with the
17 required amendments, the Commission shall approve
18 the same and notify the applicant and Zoning
19 Enforcement Officer.
- 20 (c) Within one (1) year after approval of the preliminary
21 plan, the developer shall file a final plan, which
22 shall be approved, amended, or disapproved by the
23 Commission within 60 days after filing.
- 24 (d) If it shall find that such plan does not comply with
25 the requirements of this Chapter, and is not susceptible
26 to alteration, change, or amendment to meet such
27 requirements, the Commission shall disapprove the plan.
28 The applicants right of appeal shall commence on the
29 date of receipt of the Plan Commission letter outlining
30 the reasons for denial.
- 31 (e) If no action is taken by the Commission on a Development
32 Plan within 60 days of filing by the developer, it
shall be deemed a final decision of denial.

(iii) The general location and the general size of the buildings and structures.

(iv) The general nature of the operations involved in and connected with such POD and general layout, including the locations, approximate size, arrangement and capacity of all areas to be used for vehicular access, parking, loading, unloading, and the relationship to streets or an artery giving access to the center.

(v) Indication of the present and proposed sewers, water service and storm drainage.

(vi) Area to be planted, shrubbed, or otherwise landscaped.

n. In reviewing said plan for a POD, the Plan Commission shall have the right to require such design standards as service roads, setbacks, dedication of public right-of-way for street and highway purposes, and other design factors related to vehicular access so long as said conditions are directly related to the health, safety, convenience, welfare, and morals of the general public.

(7.) Approval, notice, and authority to proceed

a. Upon approval of the Planned Office District application by the Planning Commission and the Common Council, the Planning Office shall:

(i) Furnish the developer with written notice of the approval.

(ii) Cause the Planned Office District to be noted on the face of the Official Zoning Map of the City of Fort Wayne by outlining the boundaries of land affected thereby.

(iii) File in the Commission Office a certified copy of the Planned Office District conceptual and schematic plan.

either:

(i) A wall or fence of ornamental block, brick, solid wood fencing, or combination thereof. The wall or fence shall be at least 6 feet in height; or,

(ii) A compact hedge of evergreen or deciduous shrubs, hedges, or trees at least 6 feet in height at the time of planting.

j. Signs: Name plate and signs relating only to the use of the office and premises shall be allowed; provided that such name plate and sign shall not be a flashing or direct lighted sign and shall be limited to sixteen square feet in size per office structure and not protrude more than eighteen inches from the structure. On a corner lot, two such signs, one facing each street, shall be permitted.

k. Lighting: Shall be so shielded and directed as to protect residential property from direct or reflected glare.

l. The location of the POD shall be on property which has an acceptable relationship to major thoroughfares. The plans for the proposed POD must possess a unified and organized arrangement of buildings and service facilities, which shall have a functional relationship to the property comprising the planned development and the uses of the property immediately adjacent to the proposed development.

m. The preliminary Development Plan shall contain the following:

(i) The legal description of land for which the permit is sought.

(ii) The date, scale, north point, legend, name of the designer or engineer, and the name, address, and phone number of the developer.

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3 of the zoning laws and subject to the penalty called for
4 in Chapter 33, Section 25.

- 5 c. The Commission may, after investigation, seek to enjoin
6 the operation of the POD if a substantial compliance with
7 the Plan has not been achieved in the time limit as
8 herein set forth.

9 (10.) Amendments to Development Plan:

- 10 (a) The holder of a professional office district Improve-
11 ment Location Permit may apply to the Commission at any
12 time for an alteration, change, amendment, or extension
13 of the development plan upon which such permit is based.
14 (b) If an application shows that additional land is to be
15 improved or used in connection with such office center
16 permit, then the Commission shall proceed as in the case
17 of the original application for an office center
18 Improvement Location Permit.
19 (c) If no additional land is embraced in the application
20 for alteration, change, amendment or extension, then
21 the Commission shall be empowered to pass on such
22 matters without requiring a public hearing thereon.
23 (d) In the event the Commission shall approve and order
24 such development plan changed, altered, amended, or
25 extended, it shall so notify the Zoning Enforcement
26 Officer, and he shall issue an amended Improvement
27 Location Permit accordingly.

28 SECTION 2. That this Ordinance shall be in full force and effect
29 from and after its passage and approval by the Mayor and legal publication
30 thereof.

31 
COUNCILMAN

32 APPROVED AS TO FORM AND LEGALITY


BRUCE O. BOXBERGER, CITY ATTORNEY

b. The land described in the above notice shall be used only in accordance with the uses and densities shown on the certified Planned Office District conceptual and schematic plan, except as provided in Chapter 33, Section 21.

c. When the above procedures have been completed, the developer may proceed with the preparation of the preliminary subdivision application.

(8.) Issuance of Permit:

The Zoning Enforcement Officer shall issue an improvement location permit for a POD only following receipt of notice from the Plan Commission that the final development plan has been approved by the Plan Commission.

(9.) Construction of Improvement under Permit:

Any person issued an Improvement Location Permit pursuant to Subsection 8 above, who fails to commence construction of the POD within twenty-four months after the permit is issued or who fails to carry to completion thirty percent of the total buildings as authorized by the permit within three (3) years after the permit is issued, or within one (1) year after such construction is begun, whichever is later, shall be subject to the following penalties:

- a. If after public hearing the Commission finds that no substantial work has been commenced on the POD according to the development plan as finally approved by the Commission as called for in the Improvement Location Permit within three (3) years after the permit is granted, it shall be revoked by the Commission.
- b. If the plan is not completed as required by this Section, failure to complete the plan shall be considered a breach

1 BILL NO. G-82-05-14 (AS AMENDED)

2 GENERAL ORDINANCE NO. G-_____

3 AN ORDINANCE amending Chapter 33 of the
4 Municipal Code of the City of Fort Wayne,
5 Indiana.

6 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
7 INDIANA:

8 SECTION 1. That Section 33-3 (KK) is repealed in its entirety and
9 in its place the following is substituted:

10 (KK) Kennel, Animal - Any place where domestic animals
11 (those animals customarily kept as pets) are, for
commercial purposes, present or kept.

12 SECTION 2. That this Ordinance shall be in full force and effect
13 from and after its passage and approval by the Mayor and legal publication
14 thereof.

15
16 _____
17 COUNCILMEMBER

18 APPROVED AS TO FORM AND LEGALITY

19
20
21 _____
22 BRUCE O. BOXBERGER, CITY ATTORNEY
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Resolution of Honor

City of Fort Wayne, Indiana

to Mother Theresa

WHEREAS, the plight of those less fortunate is of primary concern to a caring society; and

WHEREAS, human suffering, whether individually or as a group, must not go unnoticed by civilized individuals; and

WHEREAS, this community has recently been subjected to the wrath of nature and its consequences and therefore can better understand pain and heartbreak; and

WHEREAS, those individuals, who through act and deed, attempt to alleviate such conditions and, therefore, perform roles which express the highest and greatest good men and women are capable of displaying; and

WHEREAS, one such individual who has demonstrated the effect of such deeds by relieving the burden of the poor, the homeless, the sick and the troubled will soon be in our midst;

NOW THEREFORE, be it resolved that the Common Council of the City of Fort Wayne extend its welcome, gratitude and blessing to Mother Theresa and spreads across the pages of its official records its heartfelt thanks for making this world a better place in which to live.

Mark E. GiaQuinta, Councilman
5th District

Ben A. Eisbart, Councilman
4th District

Samuel J. Talarico
Samuel J. Talarico, President of
Common Council

ATTEST:

Charles W. Westerman
Charles W. Westerman, City Clerk



(1)

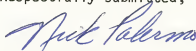
President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Number: 22/82/E

For the purpose of enforcement, please make this communication
and the attached Regulatory Resolution a matter of record and
incorporate it into the minutes of the next Common Council
Meeting.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Nick Palermo".

Nick Palermo, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 22/82/ E)

I hereby certify that I did this 2nd day of June, 19 82 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 22/82/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.



CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 22/82/E

(Adopted June 2, 19 82)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to RENEW & EXTEND REG. RES. 18/82/E: NO PARKING
(EMERGENCY) AND DELETE: NO PARKING 3 P.M. - 6 P.M. (EMERGENCY)

_____ : AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 21, 19 82, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

June 2, 19 82, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING _____ (EMERGENCY)

Broadway -- west side -- from 140' south of Huestis Ave. to 260' south thereof

DELETE:
NO PARKING 3 P.M. - 6 P.M. _____ (EMERGENCY)

Broadway -- west side -- from 140' south of Huestis Ave. to 260' south thereof

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 8th day of June, 19 82 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this _____ day of _____, 19 ____.

Charles W. Westerman
City Clerk